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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,307	12/29/2000	Jerry Dwight Doty II	2705-101	7831

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EXAMINER
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LE, KAREN L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/753,307

Applicant(s)

DOTY ET AL.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-7 and 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chong et al. (U. S. 6,205,557).

Regarding claims 1 and 9, Chong teaches a method and a computer-readable medium for switching active calls between entities (fig.3, server 140 and server 141 of database 103) on a network device (Fig. 2, item 103), the method comprising:

determining that a first processor requires maintenance (Col. 3, lines 11-14), collecting information about a current call on the first processor while the current call is being processed by a first entity (Fig. 3, server 140 and col. 5, lines 7-16), initializing a

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second processor (Fig. 3, server 141) residing in the network device with the first processor (Col. 5, lines 22-23) with the information while the current call is being processed on the first processor, switching the current call from the first processor to the second processor; releasing the first processor from further processing of the call, and repeating the switching of call from the first processor until the first processor is free for maintenance (Col. 5, lines 18-19 and lines).

Regarding claims 2-4 and 15-18, Chong teaches the processors are digital signal processors located within the same module, the processors are located in different modules located on the same card, and the processors are located on different cards in the network device (Fig.2, DB 103; Fig. 3, server 140 and 141; Fig. 4, processors 170 of 140 and 141).

Regarding claim 6, Chong further teaches initializing a second processor further comprises initiating a retrain sequence on the second entity (Col. 5, lines 22-30).

Regarding claim 7, Chong further teaches the information about a current call includes modulation (Col. 2, lines 43-44)

Regarding claims 10 and 11, Chong further teaches the computer-readable medium comprises a downloadable file and image file uploadable into digital signal processor (Col. 6, lines 56-67).

Regarding claims 12 and 14, Chong further teaches a network device, comprising:

- at least two means for handling active calls residing in the network device (fig.3, item server 140 and server 141 of database 103 and Fig. 1, switching network 100),
- a means for connecting the means for handling active calls with means for transmitting phone calls (col. 5, lines 16-19);
- a means for determining that a first processing mean requires maintenance (Col. 5, lines 20-23) and
- a means for switching active calls from a first processing means for handling active calls to another processing means for handling active calls without interruption, thereby eliminating any active calls on the first means for handling active calls and freeing the first processing means for maintenance (Col. 5, Lines 23-32 and Col. 1, Lines 5-10).

Regarding claim 13, Chong further teaches the device of claim 10 wherein the controller is part of a processor located on one of the entities (Fig. 2, item 103).

Regarding claim 19, Chong further teaches the means for switching active calls further comprises a controller (Fig. 2, item 103).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. (U. S. 6,205,557)

Regarding claims 5 and 8, Chong does not teach the steps of copying compression dictionary tables from the first entity and loading compression tables in the second entity. However, to achieve a high data rate data compression has always been introduced. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress and decompress data while transmission to have larger volume of data. Chong does not teach the information about a current call includes country code. However, each country uses different carriers, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include type of country code to verify what type of carrier that country uses. The compression, decompression and including type of country code are old and well know in telecommunication system.

***Response to Arguments***

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5. As to Applicant's Remarks, Applicant mainly argues that defining a network as a device would be contrary to the ordinary meaning of the term 'device', processors are located in different modules, processors are located on different network cards in the network device, the reference is referred to as Chong, yet the number given is for Bruno.

Examiner respectfully disagrees for the following reasons: Examiner changed the switching network 100 (Figure 1) for DB103 (Figure 2). DB 103 is one of the network devices that contains active call server 140 (1<sup>st</sup> processor) and 141 (2<sup>nd</sup> processor). Thus, the network device is DB103 and it has processors (140 and 141) located in the same cards.

Examiner changes the patent number from 5,563,882 for Bruno to 6,205,557 for Chong to made clear that the rejection relies upon Chong.

For the above reasons, Chong is maintained for supporting the enclosed Examiner's non-final office action.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL

March 18, 2006



**WING CHAN**  
**SENIOR PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2000**